IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.114/1999

1. Smt. Savitri Shanu Velip, w/o. Shanu Velip, 47 years of age, r/o. Karashemol, Agonda, Goa.

2. Kushali Shani Velip ..... Appellants.

V/s.

1.Mr. Marcus Fernandes, r/o. Karashera, Agonda, Canacona, (Bus Owner bearing Reg. No.GDZ 27).

2. The New India Assurance Co. Ltd., Jaganath Bldg., Margao, Gao. ..... Respondents.

Mr. V.A. Lawande, Advocate for the appellants.

Mr. E. Afonso, Advocate for respondent No.1.

CORAM : F.I. REBELLO, J.

DATE : JULY 10, 2003.

ORAL JUDGMENT :

This appeal is by the dependants against the Order of the Claims Tribunal awarding a sum of Rs.1,00,500/-. The appellants were original claimants. Appellant No.1 was the mother. Though there was another appellant, the amount has been awarded only in favour of the mother. The appeal is against that order of the Claims Tribunal, fixing the dependancy.

2. The case of the appellants is that the dependancy has not been properly worked out as the proper multiplier was not applied and further having applied the multiplier, the dependancy for subsequent years could not have been lesser than applying the first multiplier. At any rate, it is contended that considering the provisions of the Act and the Rules itself, the same multiplier ought to be applied for dependency to which the appellants shall be entitled to.

3. The learned Claims Tribunal has given the finding that the age of the deceased was 18 years. The learned Claims Tribunals has also given a finding that the age of the claimant at the time of the accident would be 50 years. The income of the deceased is fixed at Rs.1200/- per month and the dependancy is worked out to Rs.800/- per month. After 1/3rd deduction, the yearly dependancy is worked out to Rs.9600/- . In so far as annual dependency for seven years is fixed at Rs.67,200/- and considering that the deceased would have married at the age of 25 years, the Claims Tribunal has fixed for the remaining period the dependancy at Rs.3000/- per year and accordingly, awarded the amount of Rs.27,000/-. The salary was fixed on the basis of the evidence of CW.1 who had set out the earnings of the deceased as being Rs.1200/- per month.

There is absolutely no errror in working out the dependancy as worked out by the learned Claims Tribunal. In the light of that there is no merit in this appeal, which is accordingly rejected.

F.I. REBELLO, J.

ssm.